

Remarks

This Supplemental Amendment is filed in order to more fully respond to the Office Action mailed March 2, 2007. Claims 11, 12, 15-21, 23-26 and 27 were pending in the application. Claims 26 and 27 are amended to more particularly recite the subject matter of the present invention. Claims 11, 12, 15-21, and 23-25, which were previously listed as withdrawn, are cancelled without disclaimer or prejudice. New claims 28-34 are added. No new material is added by way of the claim amendments or the new claims. Thus, claims 26 – 34 are now pending for reconsideration.

Summary of the Office Action

In the Office Action, claim 26 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 6,665,301 to Wu (“Wu”), and claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu in view of U.S. Patent No. 6,049,531 to Roy (“Roy”) and U.S. Patent Application No. 10/706,730 to Yang (“Yang”).

Response to Rejection under 35 U.S.C. § 102(e)

In response to the Office Action, claim 26 is amended to more particularly recite elements of the present invention not disclosed or suggested in Wu. (Claim 26 is also amended to correct numerous punctuation and minor wording errors not related to overcoming the rejection.) As more fully explained in the remarks accompanying the amendment that was previously filed March 24, 2006, the present invention differs from the cited prior art in the ability to accommodate a broad range of protocols and manage the core network independent of the edge networks. Accordingly, claim 26 is amended to recite that the MPCs are capable of receiving and routing calls using each of at least the following protocols: MPLS; TCP/IP; UDP/IP; ATM AAL2; and ATM AAL5. Specifically, these protocols are no longer listed as a Markush group but as a list of the MPCs

minimum capabilities. This flexible, multiprotocol communication capability is not taught or suggested in Wu which is restricted to a single protocol with no translation capabilities.

As pointed out in the Reply filed September 6, 2007, the Examiner has not identified a reference which combines the use of the AAL2 and AAL5 protocols. The amendments to claim 26 recite these protocols in conjunction, not in the alternative as examined.

Since Wu fails to teach or suggest the use of an MPCS that is capable of selectively communicating using each one or more of the MPLS, TCP/IP, UDP/IP, ATM AAL2, and ATM AAL5 protocols, Applicants submit that claim 26 as amended is allowable over Wu. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 26 under 35 U.S.C. § 102(e).

Additionally, while the Examiner asserts that Roy discloses translating IP data into ATM cells using ATM adaptation layer protocol, Roy does not teach or suggest selectively communicating using each one or more of the MPLS, TCP/IP, UDP/IP, ATM AAL2, and ATM AAL5 protocols. Thus, Roy fails to rectify the deficiency in Wu, and therefore amended claim 26 is also allowable over the combination of Wu and Roy. (As pointed out below, Yang is not prior art to the present application.)

Response to Rejection under 35 U.S.C. § 103(a)

Claim 27 is amended to align the claim language with claim 26 from which it depends, as well as to correct punctuation and typographical errors.

Applicants respectfully traverse the rejection of claim 27 on the basis that the Yang application is not prior art, and therefore cannot be relied upon as the basis for a rejection under 35 U.S.C. § 103(a). Specifically, the present application claims priority to U.S. Provisional Application No. 60/266,479 filed February 6, 2001, seven months before the priority date of the Yang application.

Additionally, Applicants submit that claim 27 is allowable for depending

from allowable claim 26 and therefore is allowable for at least the same reasons as discussed above.

New Claims

New claim 28 is similar in scope to that of amended claim 26 but is written in a different manner in order to more fully encompass the subject matter of the invention. For this reason, Applicants submit that new claim 28 is supported in the specification to the same extent as claim 26, and is allowable for the same reasons as discussed above for amended claims 26. Similarly, new claims 29-34 are similar in scope to that of amended claims 27, except the elements of the Markush group in claim 27 are recited in separate claims. Accordingly, Applicants submit that new claims 29-34 are supported in the specification to the same extent as claim 27, and are also allowable for the same reasons as discussed above for amended claims 26 and 27.

Cancelled Claims

Claims 11, 12, 15-21, and 23-25, which were previously listed as withdrawn are cancelled without disclaimer or prejudice in order to place the present application in condition for allowance. Applicants reserve the right to pursue the subject matter of these claims in the pending divisional applications (U.S. Patent Appl. Nos. 11/341,011 and 11/341,979).

Conclusion

In view of the above amendments and remarks, Applicants respectfully request that all objections and rejections be withdrawn and that a notice of allowance be forthcoming. The Examiner is invited to contact the undersigned for any reason related to the advancement of this case.

Date: October 4, 2007

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Respectfully submitted,

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